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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/868,141   | 06/15/2001  | Shuji Takana         | 1422-0480P          | 6016             |
| 2292   | 7590        | 05/23/2008           | EXAMINER            |                  |
| BIRCH STEWART KOLASCH & BIRCH<br>PO BOX 747<br>FALLS CHURCH, VA 22040-0747 |             |                      |                     | DOUYON, LORNA M  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 1796   |             |                      |                     |                  |
| NOTIFICATION DATE  |             |                      | DELIVERY MODE       |                  |
| 05/23/2008   |             |                      | ELECTRONIC          |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/868,141             | TAKANA ET AL.       |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Lorna M. Douyon        | 1796                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 March 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6,8 and 16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-6,8 and 16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

1. This action is responsive to the amendment filed on March 10, 2008.
2. Claims 1-6, 8 and 16 are pending.
3. Claims 1-6, 8 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson et al. (US Patent No. 4,900,466) for the reasons set forth in the previous office action.

***Response to Applicants' Arguments***

4. Applicants' arguments filed March 10, 2008 have been fully considered but they are not persuasive.

With respect to the rejection based upon Atkinson, Applicants argue that the prior art does not disclose or suggest a detergent that contains substantially no surfactant. Applicants also argue that, "even if *arguendo*, a hypothetical *prima facie* case of obviousness were assumed to exist; detergent particles containing no surfactant are disclosed, for example, in each of Detergent Additive Particles 1, 3, and 5 at Table 1, of the present specification as showing unexpectedly excellent results in high dissolution rate. Applicants also respectfully refer the USPTO to Table 3 of the present specification which shows excellent distributivity of composite detergent particles using the presently claimed detergent additive particles. Applicants submit that the test data reported in Tables 1 and 3 of the instant specification fully rebut any hypothetical case of *prima facie* obviousness, and strongly support the patentability of the instant claims."

The Examiner respectfully disagrees with the above argument because, as stated in the previous office action, Atkinson teaches a process for the production of a powder suitable for use as a granular detergent composition or a component thereof, which comprises the steps of (i) preparing an aqueous slurry comprising sodium carbonate, and optionally also comprising sodium sulphate, an effective amount of a crystal growth modifier which is an organic material having at least three carboxyl groups in the molecule; and optionally one or more anionic and/or nonionic detergent active compounds, (ii) drying to form a powder; (iii) optionally incorporating into the dried powder one or more detergent components in liquid form and/or mixing the dried powder with one or more solid detergent components (underlinings supplied; see col. 2, line 67 to col. 3, line 27), wherein the powder above reads on the detergent additive particles (a). Please note that the anionic and/or anionic detergent active compounds are only optional, hence would read on the present claims' "...wherein the detergent additive particles contain substantially no surfactant" of claim 1, lines 9-10. Also as stated in the previous office action, in Example 11, Atkinson teaches a spray-dried crystal-growth-modified Burkeite which comprises 65.5 wt% sodium sulphate (MW=142), 24.5 wt% sodium carbonate (MW=106), 2.0 wt% sodium polyacrylate (molecular weight 25,000), 4.5 wt% sodium silicate (MW=122) and 1.5 wt% total surfactant (see col. 13, line 58 to col. 14, line 20), wherein the molar ratio of sodium sulphate ( $65.5/142=0.46$ ) + sodium polyacrylate ( $2.0/25,000=0.00008$ ) + sodium silicate ( $4.5/122=0.037$ ) to sodium carbonate ( $24.5/106=0.23$ ) is about 7:3, and this spray dried carrier is equivalent to the detergent additive particles (a) of the present claims. The 1.5 wt% surfactant above,

again, reads on the “substantially no surfactant” requirement of the additive particles (a) of instant claim 1. With respect to the showing in Tables 1 and 3 of the instant specification, as already stated previously, the showing on pages 43-65 of the present application, in particular, the Examples and Comparative Particles 1 and 2 at Table 1 has been carefully considered. The showing, however, is not commensurate in scope with the claims. The showing is only true for detergent additive particles (a) comprising at least the following ingredients: sodium carbonate, sodium sulfate, and sodium polyacrylate, and not the generic “inorganic water-soluble salt which may be an ammonium or amine salt. In addition, the showing is not compared with the closest prior art, i.e. to Atkinson because in Atkinson, the surfactant used is a nonionic surfactant whereas in the comparative particles in Table 1 the surfactants used are anionic surfactants.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lorna M. Douyon/  
Primary Examiner  
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